

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

AARON DURBIN,	§	
Individually and on behalf of all others	§	
similarly situated	§	Docket No. 13-cv-0136
	§	
<i>Plaintiff,</i>	§	
	§	JURY TRIAL DEMANDED
v.	§	
	§	COLLECTIVE ACTION
ADVANCED PIPELINE SERVICES, LLC	§	PURSUANT TO 28 U.S.C. § 216(b)
	§	
<i>Defendant.</i>	§	

RULE 41 MOTION TO DISMISS WITHOUT PREJUDICE

Plaintiff Aaron Durbin filed this lawsuit against Advanced Pipeline Services, LLC on May 20, 2013 alleging violations of the Fair Labor Standards Act (“FLSA”). Plaintiff filed his Motion for Notice to Potential Class Members on October 10, 2013 and the Court granted the Motion for Notice on January 13, 2014. Through the collective action notice process, approximately 173 Putative Class Members opted-in to the collective action. On July 20, 2015, Defendant filed for Chapter 7 bankruptcy. *See In Re Advanced Pipeline Services, LLC*, C.A. 15-11536-LSS (D. Delaware). The bankruptcy case closed on September 28, 2015 with no distribution.

Plaintiff hereby moves the Court to dismiss his claims and the claims of the opt-ins without prejudice pursuant to Federal Rules of Civil Procedure 41. Defendant is not opposed to the filing of this Motion and the relief sought herein.

Respectfully submitted,

By: /s/Andrew W. Dunlap
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ATTORNEYS IN CHARGE FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served by ECF electronic filing on all known parties on March 13, 2016.

/s/Andrew W. Dunlap
Andrew W. Dunlap

CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with Counsel for Advanced Pipeline Services and they are in agreement with the relief sought in this Motion.

/s/Andrew W. Dunlap
Andrew W. Dunlap